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Gabriel S. Meyer
Assistant General Attorney

October 16, 2008

Via Electronic Filing

The Honorable Anne Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

**RE: STB Docket No. AB-33 (Sub-No. 262X)--Abandonment and
Discontinuance of the Elm Industrial Lead in Fulton and Peoria
Counties, IL**

Dear Secretary Quinlan

Union Pacific Railroad Company ("UP") has received a request from the Illinois Department of Natural Resources ("IDNR") requesting a Public Use Condition and the issuance of an Interim Trail Use Condition for UP's Elm Industrial Lead (the "Line"). The Line extends from Milepost 461.5 near Middle Grove, Fulton County to Milepost 486.2 at Molitor Jct., Peoria County, a distance of 24.7 miles in the State of Illinois.

UP is willing to negotiate with IDNR concerning the acquisition of the Line for trail or public use for a period of 180 days following abandonment authorization. A copy of IDNR's request is attached to this letter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gabriel S. Meyer".

Gabriel S. Meyer

Attachment

FILING FEE WAIVED



**Illinois Department of
Natural Resources**

One Natural Resources Way • Springfield, Illinois 62702-1271
<http://dnr.state.il.us>

Rod R. Blagojevich, Governor

Sam Flood, Acting Director

July 8, 2008

The Honorable Anne Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, SW
Washington, DC 20024



**RE: STB Docket No. AB-33 (Sub-No. 262X) - - Union Pacific Railroad
Company - Abandonment and Discontinuance of the Elm Industrial
Lead in Fulton and Peoria Counties, IL**

Dear Secretary Quinlan

Attached for filing are the original and ten (10) copies of a Request for Public Use Condition and Request for Interim Trail Use by the Illinois Department of Natural Resources in the captioned case. Also, it is my understanding that the filing fee of \$200.00 is waived for State Agencies as to STB Docket No. AB-33 (Sub-No. 262X) Union Pacific Railroad Company.

Please time and date stamp the extra copy and return the same to my office in the self-addressed stamped envelope.

Please contact me should you have any questions or concerns.

Very Truly Yours,

Stanley Yonkauskis Jr., Legal Counsel
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
Registration No. 6184687



Illinois Department of Natural Resources

One Natural Resources Way • Springfield, Illinois 62702-1271
<http://dnr.state.il.us>

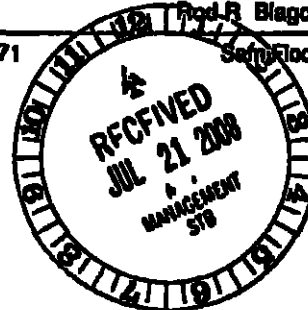
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Public Record

Rod R. Blagojevich, Governor

Sam Flood, Acting Director



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July 8, 2008

The Honorable Anne Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, SW
Washington, DC 20024

FILING FEE WAIVED

**RE: STB Docket No. AB-33 (Sub-No. 262X) - - Union Pacific Railroad
Company - Abandonment and Discontinuance of the Elm Industrial
Lead in Fulton and Peoria Counties, IL.**

Dear Secretary Quinlan

This request is filed on behalf of the Illinois Department of Natural Resources, which is an Illinois State Agency interested in natural resources and recreation, hereinafter referred to as "proponent"

Proponent requests issuance of a Public Use Condition as well as an Interim Trail Use Condition rather than an outright abandonment authorization between the western milepost boundary 461.5 near Middle Grove and the eastern milepost boundary 486.2 at Molitor Junction

A. Request for Public Use Condition

Proponent asks the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment

- I An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms
Justification for this condition is The rail corridor in question provides a direct connection to the greater Peoria metropolitan area and bike trail system as well as with the communities of Hanna City and Farmington and is identified as a potential rail-trail conversion in both the Peoria and Fulton County Greenways Plan

July 7, 2008

In addition, the corridor provides important wildlife habitat and open space and its preservation as a recreational trail is consistent with those purposes. The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time to assemble or to review title information, complete trail planning with other local jurisdictions and begin negotiations with the carrier.

- 2** An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

B. Request for Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, proponent also makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME

FINANCIAL RESPONSIBILITY

In order to establish interim trail use and railbanking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 CFR §1152.29, The Illinois Department of Natural Resources is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of the trail, but the Illinois Department of Natural Resources should be immune from liability and in which case will only indemnify the railroad for potential liability under current statutory authority, and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by and operated by Union Pacific Railroad Company.

The property, known as the Union Pacific Railroad (Elm Industrial Lead) extends from Railroad Mile Post 461.5 near Middle Grove, Fulton County, Illinois, to Railroad Mile Post 486.2 at Molitor Junction, Peoria County, Illinois, a distance of 24.7 miles in Fulton County and Peoria County, Illinois. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-33 (Sub-No. 262X).

A map depicting the right-of-way is attached.

Proponent acknowledges that the use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

The Honorable Anne Quinlan
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July 7, 2008

**By my signature, I certify service upon Union Pacific Railroad Company by U S Mail,
postage prepaid, first class, this 7th day of July, 2008**

Respectfully submitted,



Stan Yonkauskas Jr., Legal Counsel
On behalf of the Illinois Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
Registration No 6184687

cc Illinois Commerce Commission
527 E Capitol Ave.
Springfield, IL 62701

Midwest Regional Office
National Park Service
1709 Jackson St
Omaha, NE 68102

Illinois Department of Transportation
2300 S Dirksen Pwy
Springfield, IL 62764


U S Department of Agriculture
Chief of the Forest Service
4th Floor, NW, Auditors Building
14th St & Independence Ave
Washington, DC 20250

U.S Department of Defense
Military Traffic Management Command
Transportation Engineering Agency
Railroads for National Defense Program
720 Trimble Shoals Blvd, Suite 130
Newport News, VA 23606-2574

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served via first class mail, postage prepaid, upon all parties of record in Docket No STB No AB-33 (Sub-No 262X), on the 16th day of October, 2008

Dated this 16th day of October, 2008



Gabriel S. Meyer